

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD CHANG,) Case No.: 5:14-CV-00426-EJD
Plaintiff,)
v.) **ORDER DENYING PLAINTIFF'S
MOTION TO REMAND.**
ZHENG TAO HAN, an individual; CHI-MING)
WU a/k/a/ FRED WU, an individual;)
BIOSUCCESS BIOTECH CO., LTD., a Cayman)
Islands corporation; BIOSUCCESS BIOTECH)
CO., LTD., a Nevada corporation; and DOES 1-)
50, inclusive,)
Defendant.)

)

[Re: Docket No. 9]

Plaintiff Richard Chang (“Plaintiff”) filed this suit against individual defendants Chi-Ming Wu and Zheng Tao Han as well as corporate defendant Biosuccess Biotech Co., Ltd. and its subsidiary, also named Biosuccess Biotech Co., Ltd. (collectively, “Defendants”), in Santa Clara County Superior Court on January 3, 2014. Complaint (“Compl.”), Docket Item No. 1-1 Ex. 3. In his Complaint, Plaintiff alleges claims of interference with prospective economic advantage, securities fraud pursuant to California Corporations Code § 25401, California Labor Code violations, breach of contract, quantum meruit, and declaratory relief as to inventorship and ownership of certain patents. Id. Defendants removed the action to this court on January 28, 2014 on the basis of diversity jurisdiction. Notice of Removal (“Notice”), Docket Item No. 1. Plaintiff filed the instant Motion to Remand this case to Santa Clara County Superior Court on February 12, 2014. Docket Item No. 9.

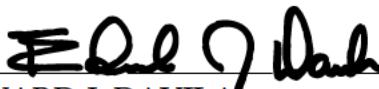
At the same time Plaintiff filed the instant action, his son, Ben Chang, filed a separate lawsuit in Santa Clara County Superior Court against the same Defendants for breach of contract, quantum meruit, and California Labor Code violations. See Ben Chang v. Biosuccess Biotech Co., Ltd., Case No. 14-CV-00425-LHK, Dkt. No. 1-1 Ex. 3. As in this action, Defendants removed that case to this district, where it was assigned to District Judge Lucy H. Koh, and the plaintiff in that case, Ben Chang, subsequently filed a Motion to Remand. Judge Koh recently issued an order denying that motion, finding that Defendants had established diversity jurisdiction because the amount in controversy exceeded \$75,000, individual defendants Han and Wu are residents of China and Taiwan, respectively, and the “direction, control, or coordination” of the two Biosuccess entities occurred in Taiwan, not Santa Clara, California. See Case No. 14-CV-00425-LHK, Dkt. No. 19 at 6.

The Court has reviewed Plaintiff's Complaint, the instant Motion and its associated pleadings, and the relevant documents in the separate case before Judge Koh. The parties' briefing on the motions to remand before this court and before Judge Koh, as well as their declarations and attached evidence, are virtually identical. The court agrees with Judge Koh's analysis of the diversity jurisdiction question, and given the similarity of the evidence and arguments, adopts that analysis here. See Case No. 14-CV-00425-LHK, Dkt. No. 19. Accordingly Plaintiff's Motion to Remand is DENIED.

The court hereby sets a Case Management Conference for May 23, 2014. The parties shall submit their Joint Case Management Conference Statement, which shall comply fully with the Standing Order for All Judges of the Northern District of California and this court's standing orders, by no later than May 16, 2013.

IT IS SO ORDERED

Dated: April 21, 2014


EDWARD J. DAVILA
United States District Judge